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9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT  
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
12

13 UNITED STATES OF AMERICA, ) CR No. \_\_\_\_\_  
14 )  
Plaintiff, ) PLEA AGREEMENT FOR DEFENDANT  
15 ) MATTHEW MARTIN  
v. )  
16 )  
MATTHEW MARTIN, )  
17 )  
aka "Matthews Martin," )  
18 )  
aka "Mathew Martin," )  
Defendant. )  
19 \_\_\_\_\_

20 1. This constitutes the plea agreement between MATTHEW  
21 MARTIN, also known as ("aka") Matthews Martin, aka Mathew Martin  
22 ("defendant"), and the United States Attorney's Office for the  
23 Central District of California ("the USAO") in the above-  
24 captioned case. This agreement is limited to the USAO and cannot  
25 bind any other federal, state or local prosecuting,  
26 administrative or regulatory authority.

27 PLEA

28 2. Defendant agrees to plead guilty to Count One of the

1 indictment in United States v. Matthew Martin, CR No. 08-1064-GAF.

2 NATURE OF THE OFFENSE

3 3. In order for defendant to be guilty of Count One, which  
4 charges a violation of Title 18, United States Code, Section  
5 922(g), the following must be true:

6 (1) Defendant knowingly possessed a firearm and/or  
7 ammunition;

8 (2) The firearm and/or ammunition had been shipped or  
9 transported from one state to another or from a foreign nation to  
10 the United States; and

11 (3) At the time defendant possessed the firearm or  
12 ammunition, defendant had been convicted of a crime punishable by  
13 imprisonment for a term exceeding one year or a misdemeanor crime  
14 of domestic violence.

15 Defendant admits that defendant is, in fact, guilty of this  
16 offense as described in Count One of the indictment.

17 PENALTIES

18 4. The statutory maximum sentence that the Court can impose  
19 for a violation of Title 18, United States Code, Section 922(g),  
20 is 10 years imprisonment; a three-year period of supervised  
21 release; a fine of \$250,000; and a mandatory special assessment  
22 of \$100.

23 5. Supervised release is a period of time following  
24 imprisonment during which defendant will be subject to various  
25 restrictions and requirements. Defendant understands that if  
26 defendant violates one or more of the conditions of any  
27 supervised release imposed, defendant may be returned to prison  
28 for all or part of the term of supervised release, which could

1 result in defendant serving a total term of imprisonment greater  
2 than the statutory maximum stated above.

3 6. Defendant also understands that, by pleading guilty,  
4 defendant may be giving up valuable government benefits and  
5 valuable civic rights, such as the right to vote, the right to  
6 possess a firearm, the right to hold office, and the right to  
7 serve on a jury.

8 7. Defendant further understands that the conviction in  
9 this case may subject defendant to various collateral  
10 consequences, including but not limited to deportation,  
11 revocation of probation, parole, or supervised release in another  
12 case, and suspension or revocation of a professional license.  
13 Defendant understands that unanticipated collateral consequences  
14 will not serve as grounds to withdraw defendant's guilty plea.

15 FACTUAL BASIS

16 8. Defendant and the USAO agree and stipulate to the  
17 statement of facts provided below. This statement of facts is  
18 sufficient to support a plea of guilty to the charge described in  
19 this agreement and to establish the sentencing guideline factors  
20 set forth in paragraph 12 below. It is not meant to be a  
21 complete recitation of all facts relevant to the underlying  
22 criminal conduct or all facts known to either party that relate  
23 to that conduct.

24 On April 15, 2008, defendant was present in front of his  
25 residence at 643 West Bennett Street, in the City of Compton,  
26 County of Los Angeles, within the Central District of California.

27 At that time and place, defendant knowingly possessed, in  
28 his residence, firearms, namely, a Smith & Wesson model 40 .38

1 caliber revolver, bearing serial number 4469, and a Beretta model  
2 950BS .25 caliber semi-automatic pistol, bearing serial number  
3 BU61282V, and ammunition, namely, five rounds of Winchester-  
4 Western .38 caliber ammunition, five rounds of PMC .38 caliber  
5 ammunition, and five rounds of CCI .25 caliber ammunition.

6       The Smith & Wesson model 40 .38 caliber revolver, bearing  
7 serial number 4469, and the Beretta model 950BS .25 caliber  
8 semi-automatic pistol, bearing serial number BU61282V, which  
9 defendant possessed, had been shipped from another state to the  
10 State of California. The five rounds of Winchester-Western .38  
11 caliber ammunition, five rounds of PMC .38 caliber ammunition,  
12 and five rounds of CCI .25 caliber ammunition, which defendant  
13 possessed, had also been shipped from another state to the State  
14 of California.

15       At the time defendant possessed the Smith & Wesson model 40  
16 .38 caliber revolver, bearing serial number 4469, the Beretta  
17 model 950BS .25 caliber semi-automatic pistol, bearing serial  
18 number BU61282V, the five rounds of Winchester-Western .38  
19 caliber ammunition, the five rounds of PMC .38 caliber  
20 ammunition, and the five rounds of CCI .25 caliber ammunition, he  
21 had been convicted of a felony crime punishable by a term of  
22 imprisonment exceeding one year, namely, Assault With a Deadly  
23 Weapon or Force Likely to Produce Great Bodily Injury, in  
24 violation of California Penal Code Section 245(a)(1), in the  
25 Superior Court of the State of California, County of Los Angeles,  
26 in case number TA032917, on or about January 18, 1995.

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WAIVER OF CONSTITUTIONAL RIGHTS

9. By pleading guilty, defendant gives up the following rights:

a) The right to persist in a plea of not guilty.  
b) The right to a speedy and public trial by jury.  
c) The right to the assistance of legal counsel at trial, including the right to have the Court appoint counsel for defendant for the purpose of representation at trial. (In this regard, defendant understands that, despite his plea of guilty, he retains the right to be represented by counsel -- and, if necessary, to have the court appoint counsel if defendant cannot afford counsel -- at every other stage of the proceeding.)

d) The right to be presumed innocent and to have the burden of proof placed on the government to prove defendant guilty beyond a reasonable doubt.

e) The right to confront and cross-examine witnesses against defendant.

f) The right, if defendant wished, to testify on defendant's own behalf and present evidence in opposition to the charges, including the right to call witnesses and to subpoena those witnesses to testify.

g) The right not to be compelled to testify, and, if defendant chose not to testify or present evidence, to have that choice not be used against defendant.

By pleading guilty, defendant also gives up any and all rights to pursue any affirmative defenses, Fourth Amendment or Fifth Amendment claims, and other pretrial motions that have been filed or could be filed.

WAIVER OF DNA TESTING

10. Defendant has been advised that the government has in its possession the following items of physical evidence that could be subjected to DNA testing: a Smith & Wesson model 40 .38 caliber revolver, bearing serial number 4469, a Beretta model 950BS .25 caliber semi-automatic pistol, bearing serial number BU61282V, a Remington model 12 .22 caliber rifle, bearing serial number 715377, a Winchester model 1300 Defender 12-gauge shotgun, bearing serial number L2878216, five rounds of Winchester-Western .38 caliber ammunition, five rounds of PMC .38 caliber ammunition, five rounds of CCI .25 caliber ammunition, 429 rounds of Remington .22 caliber ammunition, five rounds of Fiocchi 12-gauge ammunition, six rounds of Remington 12-gauge ammunition, and one round of Winchester 12-gauge ammunition. Defendant understands that the government does not intend to conduct DNA testing of any of these items. Defendant understands that, before entering a guilty plea pursuant to this agreement, defendant could request DNA testing of evidence in this case. Defendant further understands that, with respect to the offense to which defendant is pleading guilty pursuant to this agreement, defendant would have the right to request DNA testing of evidence after conviction under the conditions specified in Title 18, United States Code, Section 3600. Knowing and understanding defendant's right to request DNA testing, defendant voluntarily gives up that right with respect to both the specific items listed above and any other items of evidence there may be in this case that might be amenable to DNA testing. Defendant understands and acknowledges that by giving up this right,

1 defendant is giving up any ability to request DNA testing of  
 2 evidence in this case in the current proceeding, in any  
 3 proceeding after conviction under Title 18, United States Code,  
 4 Section 3600, and in any other proceeding of any type. Defendant  
 5 further understands and acknowledges that by giving up this  
 6 right, defendant will never have another opportunity to have the  
 7 evidence in this case, whether or not listed above, submitted for  
 8 DNA testing, or to employ the results of DNA testing to support a  
 9 claim that defendant is innocent of the offense to which  
 10 defendant is pleading guilty.

#### 11 SENTENCING FACTORS

12 11. Defendant understands that the Court is required to  
 13 consider the factors set forth in Title 18, United States Code,  
 14 Section 3553(a)(1)-(7), including the kinds of sentence and  
 15 sentencing range established under the United States Sentencing  
 16 Guidelines ("U.S.S.G." or "Sentencing Guidelines"), in  
 17 determining defendant's sentence. Defendant further understands  
 18 that the Sentencing Guidelines are advisory only, and that after  
 19 considering the Sentencing Guidelines and the other  
 20 Section 3553(a) factors, the Court may be free to exercise its  
 21 discretion to impose any reasonable sentence up to the maximum  
 22 set by statute for the crime of conviction.

23 12. Defendant and the USAO agree and stipulate to the  
 24 following applicable sentencing guideline factors:

25 Base Offense Level : 20 [U.S.S.G. § 2K2.1(a)(4)(A)]

26 Acceptance of  
 Responsibility : -3 [U.S.S.G. § 3E1.1]  
 27 

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28 Total Offense Level : 17

1 Subject to paragraph 15, defendant and the USAO agree not to  
2 seek, argue, or suggest in any way, either orally or in writing,  
3 that any other specific offense characteristics, adjustments or  
4 departures, relating to either the applicable Offense Level or  
5 the Criminal History Category, be imposed. The base offense  
6 level set forth above is based on information currently known to  
7 the government regarding defendant's criminal history. Defendant  
8 understands and agrees, however, that defendant's base offense  
9 level could be increased if defendant has any additional prior  
10 conviction(s) for either a crime of violence or a controlled  
11 substance offense under U.S.S.G. § 2K2.1 other than that referred  
12 to in paragraph 8. In the event that defendant's base offense  
13 level is so altered, the parties are not bound by the base  
14 offense level stipulated to above.

15 13. There is no agreement as to defendant's criminal  
16 history or criminal history category.

17 14. Defendant, pursuant to the factors set forth in 18  
18 U.S.C. § 3553(a)(1), (a)(2), (a)(3), (a)(6), and (a)(7), further  
19 reserves the right to argue for a sentence outside the sentencing  
20 range established by the Sentencing Guidelines.

21 15. The stipulations in this agreement do not bind either  
22 the United States Probation Office or the Court. Both defendant  
23 and the USAO are free to: (a) supplement the facts by supplying  
24 relevant information to the United States Probation Office and  
25 the Court, (b) correct any and all factual misstatements relating  
26 to the calculation of the sentence, and (c) argue on appeal and  
27 collateral review that the Court's Sentencing Guidelines  
28 calculations are not error, although each party agrees to

1 maintain its view that the calculations in paragraph 12 are  
2 consistent with the facts of this case.

3 DEFENDANT'S OBLIGATIONS

4 16. Defendant agrees that he will:

5 a) Plead guilty as set forth in this agreement.

6 b) Not knowingly and willfully fail to abide by all  
7 sentencing stipulations contained in this agreement.

8 c) Not knowingly and willfully fail to: (i) appear for  
9 all court appearances, (ii) surrender as ordered for service of  
10 sentence, (iii) obey all conditions of any bond, and (iv) obey  
11 any other ongoing court order in this matter.

12 d) Not commit any crime; however, offenses which would  
13 be excluded for sentencing purposes under U.S.S.G. § 4A1.2(c) are  
14 not within the scope of this agreement.

15 e) Not knowingly and willfully fail to be truthful at  
16 all times with Pretrial Services, the U.S. Probation Office, and  
17 the Court.

18 f) Pay the applicable special assessment at or before  
19 the time of sentencing unless defendant lacks the ability to pay  
20 and submits a completed financial statement (form OBD-500) to the  
21 USAO prior to sentencing.

22 THE USAO'S OBLIGATIONS

23 17. If defendant complies fully with all defendant's  
24 obligations under this agreement, the USAO agrees:

25 a) To abide by all sentencing stipulations contained in  
26 this agreement.

27 b) At the time of sentencing, provided that defendant  
28 demonstrates an acceptance of responsibility for the offense up

1 to and including the time of sentencing, to recommend a two-level  
2 reduction in the applicable Sentencing Guidelines offense level,  
3 pursuant to U.S.S.G. § 3E1.1, and to recommend and, if necessary,  
4 move for an additional one-level reduction if available under  
5 that section.

6 c) To recommend that defendant be sentenced to a term  
7 of imprisonment at the low end of the applicable Sentencing  
8 Guidelines imprisonment range provided that the total offense  
9 level as calculated by the Court is 17 or higher and provided  
10 that the Court does not depart downward in offense level or  
11 criminal history category. For purposes of this agreement, the  
12 low end of the Sentencing Guidelines imprisonment range is that  
13 defined by the Sentencing Table in U.S.S.G. Chapter 5, Part A.

14 BREACH OF AGREEMENT

15 18. If defendant, at any time after the execution of this  
16 agreement, knowingly violates or fails to perform any of  
17 defendant's agreements or obligations under this agreement ("a  
18 breach"), the USAO may declare this agreement breached. If the  
19 USAO declares this agreement breached at any time following its  
20 execution, and the Court finds such a breach to have occurred,  
21 then: (a) if defendant has previously entered a guilty plea,  
22 defendant will not be able to withdraw the guilty plea, and (b)  
23 the USAO will be relieved of all of its obligations under this  
24 agreement.

25 19. Following the Court's finding of a knowing and willful  
26 breach of this agreement by defendant, should the USAO elect to  
27 pursue any charge that was either dismissed or not filed as a  
28 result of this agreement, then:

1 a) Defendant agrees that any applicable statute of  
2 limitations is tolled between the date of defendant's signing of  
3 this agreement and the commencement of any such prosecution or  
4 action.

5 b) Defendant gives up all defenses based on the statute  
6 of limitations, any claim of pre-indictment delay, or any speedy  
7 trial claim with respect to any such prosecution, except to the  
8 extent that such defenses existed as of the date of defendant's  
9 signing this agreement.

10 c) Defendant agrees that: (i) any statements made by  
11 defendant, under oath, at the guilty plea hearing (if such a  
12 hearing occurred prior to the breach); (ii) the stipulated  
13 factual basis statement in this agreement; and (iii) any evidence  
14 derived from such statements, are admissible against defendant in  
15 any such prosecution of defendant, and defendant shall assert no  
16 claim under the United States Constitution, any statute, Rule 410  
17 of the Federal Rules of Evidence, Rule 11(f) of the Federal Rules  
18 of Criminal Procedure, or any other federal rule, that the  
19 statements or any evidence derived from any statements should be  
20 suppressed or are inadmissible.

21 LIMITED MUTUAL WAIVER OF APPEAL

22 20. Defendant gives up the right to appeal any sentence  
23 imposed by the Court, and the manner in which the sentence is  
24 determined, provided that (a) the sentence is within the  
25 statutory maximum specified above and is constitutional, and (b)  
26 the Court imposes a sentence within or below the range  
27 corresponding to a total offense level of 17, and the applicable  
28 criminal history category as determined by the Court.

1 Notwithstanding the foregoing, defendant retains any ability  
2 defendant has to appeal the Court's determination of defendant's  
3 criminal history category and the conditions of supervised  
4 release imposed by the Court, with the exception of the  
5 following: conditions set forth in General Orders 318, 01-05,  
6 and/or 05-02 of this Court; the drug testing conditions mandated  
7 by Title 18, United States Code, Sections 3563(a)(5) and 3583(d);  
8 and the alcohol and drug use conditions authorized by Title 18,  
9 United States Code, Section 3563(b)(7).

10 21. The USAO gives up its right to appeal the sentence,  
11 provided that (a) the sentence is within the statutory maximum  
12 specified above and is constitutional, and (b) the Court imposes  
13 a sentence within or above the range corresponding to a total  
14 offense level of 17, and the applicable criminal history category  
15 as determined by the Court.

16 COURT NOT A PARTY

17 22. The Court is not a party to this agreement and need not  
18 accept any of the USAO's sentencing recommendations or the  
19 parties' stipulations. Even if the Court ignores any sentencing  
20 recommendation, finds facts or reaches conclusions different from  
21 any stipulation, and/or imposes any sentence up to the maximum  
22 established by statute, defendant cannot, for that reason,  
23 withdraw defendant's guilty plea, and defendant will remain bound  
24 to fulfill all defendant's obligations under this agreement. No  
25 one -- not the prosecutor, defendant's attorney, or the Court --  
26 can make a binding prediction or promise regarding the sentence  
27 defendant will receive, except that it will be within the  
28 statutory maximum.

NO ADDITIONAL AGREEMENTS

23. Except as set forth herein, there are no promises, understandings or agreements between the USAO and defendant or defendant's counsel. Nor may any additional agreement, understanding or condition be entered into unless in a writing signed by all parties or on the record in court.

PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

24. The parties agree and stipulate that this Agreement will be considered part of the record of defendant's guilty plea hearing as if the entire Agreement had been read into the record of the proceeding.

This agreement is effective upon signature by defendant and an Assistant United States Attorney.

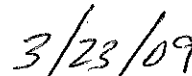
AGREED AND ACCEPTED

UNITED STATES ATTORNEY'S OFFICE  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

THOMAS P. O'BRIEN  
United States Attorney



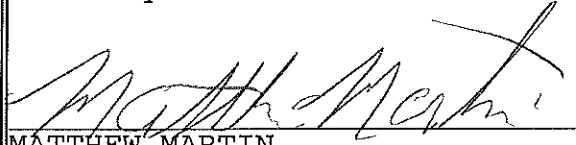
MAX B. SHINER  
Special Assistant United States Attorney



Date

I have read this agreement and carefully discussed every part of it with my attorney. I understand the terms of this agreement, and I voluntarily agree to those terms. My attorney has advised me of my rights, of possible defenses, of the Sentencing Guideline provisions and factors to be considered by the Court for sentencing under Title 18, United States Code, Section 3553(a), and of the consequences of entering into this agreement. No promises or inducements have

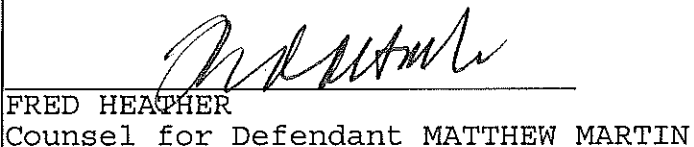
1 been made to me other than those contained in this agreement. No  
2 one has threatened or forced me in any way to enter into this  
3 agreement. Finally, I am satisfied with the representation of my  
4 attorney in this matter.

5  
6 

MATTHEW MARTIN  
7 Defendant

3/23/09  
Date

8  
9 I am MATTHEW MARTIN's attorney. I have carefully discussed  
10 every part of this agreement with my client. Further, I have  
11 fully advised my client of his rights, of possible defenses, of  
12 the sentencing factors set forth in Title 18, United States Code,  
13 Section 3553(a), of the relevant Sentencing Guidelines  
14 provisions, and of the consequences of entering into this  
15 agreement. To my knowledge, my client's decision to enter into  
16 this agreement is an informed and voluntary one.

17  
18   
FRED HEATHER  
19 Counsel for Defendant MATTHEW MARTIN

3/23/09  
Date